

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DUANE STRAIN,

Defendant.

CR 19–111–BLG–DLC

ORDER

Before the Court is the government’s Unopposed Motion to Dismiss Indictment Without Prejudice. (Doc. 48.) The government seeks dismissal without prejudice, pursuant to Federal Rule of Criminal Procedure 48(a). Nothing in the record indicates that the government moves to dismiss the Indictment for an improper prosecutorial purpose. *See United States v. W.R. Grace*, 429 F. Supp. 2d 1207, 1246–47 (D. Mont. 2006).

Accordingly, IT IS ORDERED that the motion (Doc. 48) is GRANTED, and the Indictment (*sealed* Doc. 1) is DISMISSED without prejudice.

IT IS FURTHER ORDERED that the jury trial set for April 19, 2021 and all associated deadlines are VACATED, and all pending motions are DENIED as moot.

DATED this 30th day of March, 2021.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, District Judge  
United States District Court